

**SOME ASPECTS ABOUT  
THE ILLEGAL LOGGINGS IN ROMANIA**

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## TABLE OF CONTENTS:

	page
<b>I. GENERAL APPRECIATIONS.....</b>	<b>1</b>
1. A short presentation of the situation of Romanian forests.....	1
2. A short presentation of the legislation.....	4
<b>II. THE SITUATION CREATED AFTER 1989 CONCERNING ILLEGAL CUTTING.....</b>	<b>5</b>
1. The presentation of the forest property situation.....	5
2. The presentation of the manner in which is ensured forest administration and forest management in Romania.....	6
3. The presentation of the forest state from the point of view of illegal cutting, before and after 1989.....	7
<b>III. THE PROJECTED AND TAKEN MEASURES FOR THE PREVENTING AND LIMITING ILLEGAL CUTTING.....</b>	<b>9</b>
<b>IV. BIBLIOGRAPHY.....</b>	<b>11</b>

## I. GENERAL APPRECIATION:

### I.1. A short presentation of the Romanian forest aspects

The areas covered in Romania by forest vegetation in conformity with Law no.26/1996 – Forest Code, are classified in the following categories:

- The lands out of the national forestry area destined to afforestation and those that serve to growing of crops necessity, production or forestry administration:
  - Lands on the way of regeneration, degraded lands and stable glades through forest fittings, to be afforested;
  - Nurseries, solariums, orchards, osier nurseries and those with decorative and fruit bushes;
  - Lands destined to ensure food for game and live stock of forest units endowment;
  - Lands given in temporary use to forest personnel;
  - Lands occupied by constructions and those belonging to these, roads and forest railway roads, pheasant nurseries and trout nursery ponds, animal nurseries, technical endowments specific for forest sector;
- Forest vegetation on the forested pastures;
- Protection forest curtains of the agricultural lands;
- Forest plantations from the degraded fields;
- Forest plantation and trees from the protection zones of hydrotechnic works and land reclamation, as well as those situated along water courses and irrigation channels;
- Protection forest curtains and trees situated along communication roads from outside of the localities;
- Green areas around cities, villages, other then those comprised in forest domain, parks inside of localities with forest species, exotic as well as juniper trees of alpine zones;
- Dendrologic parks, others then those comprised in national forestry area.

According to these categories, are the object of forest management only those included in the category “forestry area”, which are those referred to when is spoken about the Romanian forestry area (6.368.500 ha, the equivalent to 26.7% of the national territory).

As such, other important area (over 800.000 ha, equivalent to roughly. 3% out of the national territory), which fulfill the conditions as part of *forest* category in

conformity with its definition of the European Union, but which are to be found on the lands with agricultural destination, are not the object of forest management in conformity with norms instituted by the Romanian legislation in the domain. Most of these areas are located in mountain zones, which initially were pastures which, because of some factors (unmaintenance, ungrazing land, etc.) were forested in a natural way, having finally forest characteristics, forest species being very well represented.

As concerning basic species which constitute the Romanian forestry fund, these are comprised in table no.1:

Table no.1

The presence of the main forest species and categories of species in the Romanian forestry area

Criteria number	Species group/ species	Surface (ha)	%
1.	Resinous trees	1,838,982	28.8
	- Spruce	1,385,925	21.7
	- Silver fir	306,841	4.8
	- Douglas	9,832	0.1
	- Larix	18,418	0.3
	- Pine	111,546	1.8
	- Other resinous trees	6,420	0.1
2.	Deciduous trees	4,382,303	68.8
	- Beech	1,984,933	31.1
	- Oak	1,109,554	17.4
	- various hard species	971,003	15.3
	- various soft species	316,813	5.0
<b>TOTAL FORESTRY AREA</b>		<b>6,368,500</b>	<b>100</b>

## **I.2. A short presentation of the legislation in the forestry domain**

At present, the way in which must undergo the Romanian forestry management is mainly settled by three laws:

- Law no.26/1996 – Forestry Code;
- Government Ordinance no.96/1998 regarding the regulations of forest regime and national forestry area administration, republished, approved with modifications and completions by Law no. 120/2004;
- Law no. 31/2000 regarding establishing and sanctions forestry offences.

Trough these laws was introduced the category of “forestry regime” which is defined as the totality of technical, economic and juridical norms, referring to the management, security, protection against pests, forest harvesting and regeneration

for a sustainable management of forest ecosystems, which must be obeyed by all forest owners.

In order to apply these laws, it was necessary to adopt a lot of normative acts of inferior rank (Government Decision, Minister's Orders).

Under these conditions, the totality of acts with regulatory character which undergo out of the applying of these three laws have an impressive volume, which constitute a major inconvenience for their efficient application.

## **II. THE SITUATION CREATED AFTER 1989 CONCERNING ILLEGAL CUTTING**

### **II.1. The presentation of the Romanian forestry property**

After 1989, the Romanian landed found was the object of restituting process to the former owners according to two laws:

- Law no. 18/1991
- Law no. 2/2000, with subsequent changes.

Under these conditions, the Romanian forestry was diversified, presently the national forestry area being constituting out of the following categories of property:

Table no.2

The structure of the national forestry area based on property categories

Criteria number	Type of property	Area (ha)	%
0	1	2	3
1	Public property of the State	4,380,314	68.8
2	Public property of villages, cities and municipalities	803,281	12.6
3	Private public property for private owners	629,098	9.9
	Private public property for former associations	497,859	7.8
	Private public property for worship and educational units	57,948	0.9
<b>TOTAL</b>		<b>6,368,500</b>	<b>100</b>

### **II.2. THE PRESENTATION OF THE MANNER IN WHICH IS ENSURED FOREST ADMINISTRATION AND FOREST MANAGEMENT IN ROMANIA**

The compulsory modality of managing the public forest property of the communities and of the private property owned by juridical persons, is the same as for the forests owned by the state, thus through forest managing units, named “forest warden”. Regarding the managing of the state forest, these are part of national managing structure of the state forests named “The National Forest Administration – Romsilva”.

As for forests owned by private persons their management is ensured by the owner, who has, however, the duty to ask for specialized services to be ensured by the forest managing units, either private or owned by the state.

The activity of forest administration is based on management planes which are made for each property and are updated every ten years. These planes are made according

Through this principle is pursued the preserving and improving the biodiversity at the four of its levels (the genetic diversity inside of the species, the diversity of species, ecosystems and of the landscapes), having the purpose to maximize the stability and the multifunctional potential of the forests.

- **Ensuring the continuity**

This principle reflects the permanent concern to ensure through management the necessary conditions for the sustainable management, in order for these to offer the society – permanently – wood products and products of other nature, as well as protection and social services of a higher and superior quality. Mainly, this refers both to the continuity in a progressive way of the production functions, as well as to the permanency and improvement of the production functions and also to the permanency and improvement of the protection and social functions, having in mind not only the interests of the present generation, but also, those of the future society. At the same time, in accordance with this principle, forest management has to keep a permanent eye over the integrity and development of the forest area.

- **Ensuring a functional efficiency**

Through this principle, a permanent preoccupation is expressed for the growth of the production capacity and the protection of the forests, as well as for an optimum valuation of forest products. It is kept in mind the growth of forest productivity and the growth of the quality of the products, improving the protection function of forests, ensuring an economic efficiency in forest management as well as ensuring the adequate equilibrium between ecologic, economic and social aspects at lowest costs possible.

Through forest management is settle the maximum quantity of wood that can be exploited during the ten year plan made (wood potential), the legal duty being not to exceed this quantity.

### II.3. The presentation of the forest state from the point of view of illegal cutting, before and after 1989

A characteristic of Romanian forest management is that ensuring the forest guarding is made by technical administration personnel, this being the main activity in forest management.

The necessity of forest guarding was determined by the aggression against forest through, uncontrolled cutting which, if it hadn't been stopped, it would have determined an accentuated degradation of forest.

Thus, previous to December 1989, the major causes which generated uncontrolled forest cutting, thus asking for ensuring forest guarding, could be synthesized as follows:

- The necessity to warm up houses of the population and prepare meals – wood being used for such purposes;
- The poverty of those using wood for such purposes;
- An easy access to wood sources;
- The hostile and destructive attitude of the population towards forests sometime being determined by the frustration of those from which forests had been taken abusively.
- The tendency to graze on areas on which this activity was not permitted.

Starting with 1991, after given back the forests to the population, to forest aggression was added yet another motive:

- Enlarging the market (both internal and external), for various wood products.

A large quantity of wood used for these products was obtained through illegal cutting.

Thus, under these conditions, before 1989, in Romania was registered illegal cutting yearly at medium level 40,000 cubic meters.

Starting with 1990, the volume of illegal cutting knew a dynamic raise at most in 1992. This phenomenon manifested itself both in state forests, as well as in private ones. Thus, from official data, illegal cutting in state forests are presented in table no.3:

Table no.3

The dynamics of illegal cutting in state forests after 1990

Criteria number	Year	Volume of illegal cutting (cubic meters)
0	1	2
1	1990	120,766
2	1991	186,617
3	1992	281,517
4	1993	157,356

0	1	2
5	1994	145,819
6	1995	122,183
7	1996	128,712
8	1997	136,658
9	1998	122,297
10	1999	130,354
11	2000	142,899
12	2001	141,091
13	2002	101,997
14	2003	80,853
TOTAL		1,999,119

The fact must be mentioned that the growth of illegal cutting in state owned forests was done on a surface that was continuously diminished as a result of given the forests back to their former owners.

Also, must be mentioned the fact that legally in Romania, yearly, the cutting volume is of 17 mil. cubic meters.

Regarding the illegal cutting from private property, there are identified various types of areas on which such cutting has taken place as such:

Table no.4

Areas of private owned forests on which illegal cutting has taken place

Criteria number	The way in which illegal cutting was made	The area on which the cutting took place (ha)	% out of the given back area to former owners
0	1	2	3
1	Total cutting of forest vegetation and changing the use of the area	500	0.0
2	Total cutting of forest vegetation without ensuring the reforestation	22,428	1.1
3	Cutting of forest vegetation without requesting special forestry services	350,000	17.6

The appreciation of what “illegal cutting” means is made in conformity with the present Romanian legislation, some of these cutting were done by the owners without affecting the integrity of the forest in any way.

Under this condition, naturally, raises the question “legal or illegal?” (Arnoldo Contreras-Hermosilla and Global Witness).

Illegal cutting from big areas were determined, mainly, by two causes:

- The appearance of companies having as the object of activity wood and processing trade and which were, more or less, functioning less legal and



whose owners had in mind achieving big gains in a short time, without having in mind stable business.

- The poverty of the population that was exploited by the people that established these companies. Thus, private forest owners were determined to cut the wood without respecting national legislation and sell it at small prices, being paid immediately.

Moreover, an illegal trade had developed with stolen wood. This generated illegal cutting over the past years (1998-2004), when the wood market of some species (cherry tree, ash, sycamore maple, nut tree) has known an important development, following the liberalization of log trade.

### **III. THE PROJECTED AND TAKEN MEASURES FOR THE PREVENTING AND LIMITING ILLEGAL CUTTING**

In order to prevent and combat illegal cutting, starting from these conclusions and analyzing the causes which determined them, interventions could be made in the following directions:

- Economic status;
- Regulation;
- Institutional;
- Awareness.

The intensity and priority of intervention in one or another of these directions are settled through decisions taken at political level.

Presently, in Romania is running a project of forest development having a total value of 31.89 mil.\$, of which, the main components are:

#### **Component 1: Establishing the systems to ensure a sustainable management of private owned forest areas (10.05 mil.US \$) through:**

- a) Enforcing the forest department, mainly the forest units at national level and sustaining services** from Ministry of Agriculture, Forests and Rural Development, in order to offer consulting services to new owners of private forests, as well as, supervising, regular and monitoring activities of sustainable management of forests.
- b) The Development of Association of Owners of Private Forests (DAOPF)**, by offering qualified personnel, logistic support and basic office facilities and through setting up a plan of developing a business on minimum five years.
- c) Supporting the setting up of the Local Associations of Forest Owners (LAFO) based on the community** through assistance given in order to develop the community in areas with a high level of poverty.
- d) Setting up a system of monitoring and forest information management (SMFIM)**, necessary for the territorial forest and gain units, to supervise and control, in order to ensure a sustainable management and development of forest sector.

**Component 2: Diminishing the consequences of given back the forests to their former owners over the management of state owned forest areas (19.24 mil.US \$) trough:**

- a) **Supporting the reform and development strategy of the National Forest Administration – Romsilva** through training and assisting the NFA- Romsilva in implementing a strategic plan of developing and financing its role in managing the state owned forests.
- b) **Improving and enlarging forest roads network** thus to diminish the impact over the environment and to be improve the economic viability over wood exploit in production forest, owned by the state.

**Component 3: Supporting the raise of productivity and competitiveness of wood industry (0.72 mil.US \$)** through establishing the Information Center for Bussiness in Forest Sector (ForsBIC), a unit of developing individual affairs and of consulting, which shall established links and coordinate the chain of wood trade.

**Component 4: The building up of public support for sustainable forest management (0.69 mil. US \$)**, through training and implementing the strategy of public awareness and of the campaign targeted to key factors, the public at large included. The campaign of public conscience will imply regular evaluations of implied factors; these will be utilized in polishing the implementing campaign, in accordance with the necessities of changes.

**Component 5: Managing and monitoring the project (1.19 mil. US \$)** shall be made by the Team of Project Coordinating (TPC) Management of Preserving the Biodiversity (MPB). TPC shall supervise and support the implementation of all activities from the program in conformity with monitoring indices which were approved.

More over, it is in a final stage the study of feasibility for the project of the national system of *electronic* evidence for the forest properties.

Through this system it pursued:

- Elaborating the SNIPF architecture and the implementing of the system
- Creating initial data bases with cadastre elements
- The development of national measures, the processing and managing of cadastre aspects, institutional ones included.

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